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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,112	08/21/2001	Terry Walter	0318	7667

26612      7590      10/21/2004

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EXAMINER	
ANWAH, OLISA	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,112

Applicant(s)

WALTER, TERRY

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang, U.S. Patent Application Publication No. 2002/0086714 (hereinafter Wang) in view of Shink, 5,348,347 (hereinafter Shink).

Regarding claim 12, Wang discloses a carrying device for a cellular telephone comprising:

an enclosure defining a volume capable of holding a plurality of articles, wherein said volume is formed by a body having front, back, side, top and bottom walls;

at least one light emitting source mounted on one or more of the walls of said carrying device and operably connected to at least one receiver for actuating a light emitting source in response to a call received by said cellular telephone wherein

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when said cellular telephone receives a call, said receiver causes the light emitting source to light up and visually indicate, exteriorly of said carrying device, an incoming call (see Figures 1-8 and paragraphs 0015-0020).

Wang does not teach an internal wall inside said enclosure defining two compartments wherein one compartment is capable of holding a cellular telephone and the other compartment is capable of holding other articles. However Shink discloses this limitation (see abstract and Figures 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the carrying device taught by Shink. This modification would allow holders to organize items as suggested by Shink (column 1).

3. Claims 14-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wang combined with Shink in further view of Gormley, 5,711,469 (hereinafter Gormley).

Regarding claim 14, the combination of Wang and Shink does not explicitly teach a transparent window oriented in a wall to expose the interior of said compartment capable of holding a cellular telephone, said window disposed in a different wall than the wall on which said light emitting source is mounted. However Gormley teaches this limitation (see abstract and Figure

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1a). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wang and Shink with the transparent panel taught by Gormley. This modification would allow a phone stored in a carrying device to be used in a normal manner as suggested by Gormley.

Regarding claim 15, see Figure 8 of Wang.

Regarding claim 16, see Figure 8 of Wang.

#### ***Response to Amendment***

4. Applicant's amendments have been considered but are deemed to be insufficient to overcome the Wang, Shink and Gormley references.

#### ***Response to Arguments***

5. Applicant incorrectly alleges Wang does not suggest mounting the light source on the bag. However Wang discloses a ring or a strip for mounting on a bag for receiving a mobile phone (paragraph 0002 and Figure 8).

**Conclusion**

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the

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organization where this application or proceeding is assigned  
are 703-872-9314 for regular communications and 703-872-9314 for  
After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
September 10, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

